

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA	*	Criminal 00-108(DRD)
Plaintiff	*	
V.	*	
FERNANDO GOMEZ-ROSARIO	*	
Defendant	*	

**URGENT MOTION FOR RECONSIDERATION OF
DENIAL TO RESCHEDULE SENTENCING HEARING**

TO THE HONORABLE COURT:

COMES NOW defendant Fernando Gomez-Rosario, pro se and through his standby undersigned attorney and respectfully states and prays as follows:

1. The Court by order of October 18, 2005 denied defendants request to reschedule the sentencing hearing set for October 21, 2005 and indicated that no adequate grounds for the request had been showed.
2. In reconsideration defendant submits that he is acting pro-se and that Counsel appointed by the Court under the Criminal Justice Act was appointed to represent this defendant at the hearing as standby counsel. Defendant submits that without his case file and legal papers he can not adequately address the court at his re-sentencing proceeding. Further, the order of the Honorable Daniel R. Dominguez of September 19th, 2005, which was never served on defendant, indicates as follows: "the defendant remains pro-se, and he is reminded by the Court that the only issue to be discussed is a re-sentencing pursuant to the methodology expressed in United States v. Booker, and United States v. Fan Fan, 125

S.Ct. 738 (2005)”. Defendant submits he first became aware of the order of the Court of September 19th, 2005 on October 17, 2005 at a legal meeting with standby counsel at the Metropolitan Detention Center.

3. Defendant submits to the Court that he is not prepared for his re-sentencing hearing as he lacks the case file and legal documents and was not advised with sufficient time of the parameters of his re-sentencing hearing as per the order of September 19th, 2005.

WHEREFORE, defendant requests that the Court reconsider the denial to reschedule and that the resentencing hearing be rescheduled to allow him to receive his case file and legal documents and prepare for the hearing as per the order of the Court of September 19th, 2005.

RESPECTFULLY SUBMITTED.

CERTIFICATE OF SERVICE: I hereby certify that on this date the present document has been filed electronically and is available for viewing and downloading from the Court’s CM/ECF system by, U.S. Attorney’s Office.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 18th day of October, 2005.

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